

Fresno, California

June 5, 2007

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Blong Xiong	Acting Council President
	Henry Perea	Council President
Absent:	Larry Westerlund	Councilmember (Military duty)

Andy Souza, City Manager
James Sanchez, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Police Chaplin Chuck Turley gave the invocation, and President Perea led the Pledge of Allegiance.

PRESENTATION OF THE SPCA PET OF THE MONTH - PRESIDENT

The pet of the month available for adoption, a three month old female Chihuahua/terrier mix, was presented.

RESOLUTION OF COMMENDATION TO CENTRAL PRINTING FOR RECEIVING THE BRONZE AWARD IN THE IN-PRINT 2007 NATIONAL PRINTING CONTEST

RESOLUTION OF COMMENDATION TO THE FLEET MANAGEMENT DIVISION FOR EARNING THE ASE BLUE SEAL OF EXCELLENCE RECOGNITION FOR THE SEVENTH CONSECUTIVE YEAR

COMMENDATION TO BRYSON WILLIAMS - COUNCILMEMBERS CALHOUN AND STERLING

RECOGNITION OF THE FRESNO CITY COLLEGE WOMEN'S BADMINTON TEAM - ACTING PRESIDENT XIONG

The above resolutions, commendations and recognitions were read/presented/made.

APPROVE MINUTES OF MAY 15, 18 AND 25, 2007

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of May 18 & 25, 2007, approved as submitted, and the minutes of May 15, 2007, approved, as amended, on Page 149-186, Item 2:15 p.m., identifying Pastor Shane Scott as Pastor of Saints Rest Missionary Baptist Church; and on Page 149-188, Item 11:00 a.m., deleting "Interim" from Economic Development Director Johnson's title.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER STERLING: (1) Good luck wishes extended to all 2007 high school graduates, with special recognition to Edison High graduates, Marissa Barfield from Clovis West, and Jordan Marvin Howard from USC; and (2) request Council budget hearing schedule be made clearer/readily available for the public's benefit.

COUNCILMEMBER DAGES: Notification of problems in southeast Fresno, i.e. homes being built without surrounding neighborhood landscaping normally included in other areas of the city; Code Enforcement no longer working on weekends; lack of maintenance at the Church/Cedar Avenues post office; lack of action on tree removal requests; and Centex experiencing problems with staff on getting through project processes.

ACTING PRESIDENT XIONG: Intention to work with Council members to fill two vacant seats on the COG Rail Committee.

COUNCILMEMBER CALHOUN: Concern expressed with Channel 47 news report that the recently hired deputy mayor is running for mayor, with City Manager Souza stating the deputy mayor was not a candidate, he had not announced his candidacy, and upon further question clarified he could not speak to the deputy mayor's ultimate intentions and assured he was not hired for the purpose of running for mayor.

PRESIDENT PEREA: (1) Commendation to the Planning & Development Department for working with Creative Fresno on General Plan issues; and (2) pursuant to AB 1234, report on trips to Las Vegas to attend the ICSC conference, to Los Angeles as part of the American Council of Young Political Leaders discussion group, and to Sacramento to testify on issues relative to greenhouse gas emissions.

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APPROVE AGENDA:

(10:15 A.M. #1) HEARING ON CFD NO. 11, ANNEXATION NO. 17 (FINAL TRACT MAP NO. 5730) (*Continue to June 26, 2007, at 10:45 a.m.*)

Continued as noted.

(10:15 A.M. #2 "E") JOINT COUNCIL/AGENCY RESOLUTION - REAFFIRMING POLICIES FOR THE RETENTION AND CONCENTRATION OF GOVERNMENT OFFICES IN THE CENTRAL AREA OF THE CITY OF FRESNO - CHAIR STERLING

Removed from the agenda/to be rescheduled.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the **AGENDA** hereby approved, *as amended*, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes	:	None
Absent	:	Westerlund

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ADOPT CONSENT CALENDAR:

Councilmember Calhoun thanked public works staff for providing the bids as requested for Item 1-U, and pulled Items 1-T and 1-V from the Consent Calendar for discussion. Councilmember Xiong pulled Item 1-G.

(1-A) RESOLUTION NO. 2007-191 - ADOPT RESOLUTION OF INTENTION NO. 1060-D VACATING ALL STREET, PEDESTRIAN, AND UTILITY EASEMENTS IN THE AREA KNOWN AS FUNSTON PLACE LOCATED SOUTHEAST OF CLINTON AND FRESNO STREETS, AND SETTING THE REQUIRED PUBLIC HEARING FOR JUNE 26, 2007

(1-B) resolution no 2007-192 - EXTENDING PAYMENT OF SALARY DIFFERENTIAL BENEFITS AND THE CITY'S PORTION OF THE EMPLOYEES' HEALTH AND WELFARE CONTRIBUTION TO PERMANENT CITY EMPLOYEES CALLED INTO ACTIVE DUTY AS A RESULT OF THE ONGOING MIDDLE EASTERN CONFLICT

(1-C) AUTHORIZE THE DIRECTOR OF AVIATION TO (1) AMEND THE SEPARATE LEASES OF SKYWEST AIRLINES AND US AIRWAYS TO EXCHANGE AIRCRAFT GATES BETWEEN THEM, AND (2) ADD SUPPORT SPACE TO US AIRWAYS' LEASE AT THE MASTER FEE SCHEDULE RATE

(1-D) AUTHORIZE THE GENERAL SERVICES DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE CALIFORNIA AIR RESOURCES BOARD TO RECEIVE \$223,650 FOR THE PURCHASE OF LOW-EMISSION CONSTRUCTION EQUIPMENT TO BE USED BY THE DEPARTMENT OF PUBLIC UTILITIES WITHIN THE CITY OF FRESNO

(1-E) RESOLUTION NO. 2007-193 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED MCKINLEY-BLYTHE NO. 1 REORGANIZATION

1. AFFIRMING CITY COUNCIL ACTION OF JUNE 20, 2006, ADOPTING THE E.A. RESULTING IN A MITIGATED NEGATIVE DECLARATION

(1-F) AUTHORIZE A JOINT AGREEMENT BETWEEN THE CITY AND COUNTY OF FRESNO TO RECEIVE FUNDS FROM THE BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM, CONSIDER THE APPLICATION WITH PROPOSED SPENDING PLAN, AND COMPLETE ALL OTHER CONDITIONS WITHIN THE REQUIRED TIME FRAME

(1-H) APPROVE THE ACQUISITION OF A 690 SQUARE FOOT STREET EASEMENT AND USE OF A 1,061 SQUARE FOOT CONSTRUCTION EASEMENT FROM PROPERTY OWNED BY RALPH'S GROCERY COMPANY; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ACCEPT THE DEED OF EASEMENT AND CONSTRUCTION EASEMENT FROM RALPH'S GROCERY COMPANY AND EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND COMPLETE THE ACQUISITION THROUGH ESCROW

(1-I) AUTHORIZE AND DIRECT THE CITY ENGINEER TO EXECUTE A GRANT DEED, APPROVED AS TO FORM BY THE CITY ATTORNEY'S OFFICE, ON BEHALF OF THE CITY IN FAVOR OF THE FRESNO COMMUNITY HOSPITAL AND MEDICAL CENTER

(1-J) RESOLUTION NO. 2007-194 - SETTING A PUBLIC HEARING FOR JUNE 26, 2007, TO CONSIDER THE FORMATION OF UNDERGROUND UTILITY DISTRICT NO. FRE-85 - BELMONT BETWEEN FREEWAY 41 AND CHESTNUT AVENUE

(1-K) RESOLUTION NO. 2007-195 - 82ND AMENDMENT TO AAR 2006-253 APPROPRIATING \$15,000 IN DEVELOPER CONTRIBUTIONS FOR THE ACQUISITION OF RIGHT-OF-WAY FOR TRACT 5284

(1-L) APPROVE THE FIRST AMENDMENT TO AGREEMENT WITH DALE RUTHERFORD ARCHITECTURE & PLANNING IN THE AMOUNT OF \$36,720 FOR THE DESIGN OF PLANS AND GENERAL CONSTRUCTION CONTRACT DOCUMENTS FOR FIRE STATION NO. 11 INTERIOR RENOVATIONS

(1-M) RESOLUTION NO. 2007-196 - 83RD AMENDMENT TO AAR 2006-253 RECOGNIZING \$12,000 IN REVENUE FROM DEVELOPER CONTRIBUTIONS TO FORM CFD NO. 12 (FEATURE MAINTENANCE) FOR TENTATIVE TRACT NO. 5205, COPPER RIVER RANCH DEVELOPMENT

(1-N) AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$475,668.20 TO BILL MARVIN ELECTRIC, INC. FOR (1) INSTALLATION OF NEW TRAFFIC SIGNAL FACILITIES AT THE BARSTOW/MILLBROOK INTERSECTION, AND (2) MODIFICATION OF EXISTING TRAFFIC SIGNAL FACILITIES AT ASHLAN AND MILLBROOK AVENUES; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE CONTRACT ON BEHALF OF THE CITY

(1-O) AWARD A CONTRACT IN THE AMOUNT OF \$197,552 TO CROWN CONTRACTING CO. FOR MODIFICATION OF AN EXISTING TRAFFIC SIGNAL FOR LEFT TURN PHASING AT THE FRESNO/SIERRA AVENUES INTERSECTION

(1-P) APPROVE THE USE OF CALNET II CONTRACT FOR CITY VOICE AND DATA NEEDS MIGRATING FROM THE CALNET AGREEMENT SIGNED BY THE CITY IN DECEMBER 1998

(1-Q) ADOPT LOCAL GOVERNMENT AUTHORIZED USER AGREEMENT FOR STATE OF CALIFORNIA CONTRACT FOR WIRELESS SERVICES AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO AN AGREEMENT WITH VERIZON WIRELESS FOR CELLULAR PHONE AND MOBILE DATA SERVICE

(1-R) APPROVE THE FIRST AMENDMENT TO THE AGREEMENT WITH MUNIFINANCIAL TO PROVIDE REQUIRED SERVICES IN CONNECTION WITH CITY BONDS AND ASSESSMENT DISTRICTS BY ADDING CFD NO. 2006-1 AND CFD NO. 12 TO THE AGREEMENT WITH DIFFERING FEE STRUCTURE

(1-S) AWARD A CONTRACT TO GRAHAM PREWETT. INC., IN THE AMOUNT OF \$120,138.50 FOR THE RE-ROOF OF HOLMES NEIGHBORHOOD PARK FACILITIES

(1-U) AWARD A CONTRACT IN THE AMOUNT OF \$765,686 TO AMERICAN PAVING COMPANY FOR THE INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 84

(1-W) AMENDING THE FY 2006-07 ANNUAL ACTION PLAN TO ACQUIRE APN 464-102-08 LOCATED AT CALIFORNIA AND WEST AVENUES AT A PRICE NTE \$106,000, FOR WIDENING WEST AVENUE TO ARTERIAL STANDARDS, AND TO AUTHORIZE THE ASSISTANT PUBLIC WORKS DIRECTOR TO EXECUTE IMPLEMENTING DOCUMENTS RELATED TO THE PURCHASE

(1-X) APPROVE APPOINTMENT OF RODNEY ASHLEY TO THE FRESNO-MADERA AREA AGENCY ON AGING BOARD - MAYOR AUTRY

(1-Y) BILL NO. B-45 - ORDINANCE NO. 2007-47 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO LOCAL SALES AND USE TAXES, PURSUANT TO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE COUNTY OF FRESNO

On motion of Councilmember Sterling, seconded by President Perea, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes	:	None
Absent	:	Westerlund

CONTESTED CONSENT CALENDAR ITEMS

(1-G) AUTHORIZE THE IMPLEMENTATION OF THE WIRELESS DATA RADIO SYSTEM FOR 136 PATROL VEHICLES UTILIZING SLESF GRANT FUNDS, AND APPROVE THE MODIFICATION OF THE SLESF 2005-06 GRANT SPENDING PLAN

Upon the request of Acting President Xiong, Chief Dyer confirmed this system was a priority for the department and explained the history of the in-car video system, strategy/implementation process, timeline, and funding source **(2 - 0)**. Acting President Xiong stated he was surprised to find out a city this size did not already have the system in place, spoke in support, and made a motion to approve.

On motion of Acting President Xiong, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the implementation of the wireless data radio system with the use of existing budgeted Supplemental Law Enforcement Service Funds 2005-2006 Grant hereby authorized, and modification of the existing spending plan from in-car video cameras to fund the upgrade of 136 patrol car computers with faster wireless data capabilities hereby approved, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes	:	None
Absent	:	Westerlund

(1-T) APPROVE AN AGREEMENT WITH AVANTE BEHAVIORAL HEALTH TO CONTINUE TO PROVIDE AN EMPLOYEE ASSISTANCE PROGRAM TO CITY EMPLOYEES

Personnel Services Director Bond responded to questions/comments/concerns of Councilmember Calhoun relative to the City contracting with Psy-Care since 1992, competitive bidding, other organizations having the ability to provide the service, and Psy-Care being linked to Avante Behavioral Health, whereupon Councilmember Calhoun made a motion to lay the matter over one week so staff could provide further information/clarification on why the City has contracted only with Psy-Care since 1992 and how Psy-Care ties into Avante. The motion was seconded by Councilmember Duncan.

City Manager Souza clarified the City had no relationship with Psy-Care and explained, and expanded further on how the plan worked and what was at issue. Councilmember Calhoun stated although the Health and Welfare Trust had their own board he wanted to know more about Psy-care and added Council was entitled to that information, Avante and Psy-Care were linked together and this was a “sweetheart” deal, and he wanted the information to make an informed decision..

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Item 1-T laid over one week to allow staff to report back with the requested information on Psy-Care, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes	:	None
Absent	:	Westerlund

(1-V) RESOLUTION NO. 2007-197 - AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR THE CONSTRUCTION AND INITIAL SET-UP OF A REUSE CENTER

Solid Waste Chief of Operations Gedert responded to questions of Councilmember Calhoun relative to whether this item was related to one presented previously that started the process of having household waste collection sites in the city, concept for the household hazardous waste and reuse facilities, if this would be a pilot project/if other cities had reuse centers, and the grant application and approval processes. Councilmember Calhoun spoke in support and commended staff.

On motion of Councilmember Calhoun, seconded by Acting President Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2007-197 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes	:	None
Absent	:	Westerlund

(9:00 A.M.) PUBLIC COMMENT

(“A”) SCHEDULED COMMUNICATION

1. APPEARANCE BY MICHAEL JORDAN TO ADDRESS DRUG AND CRIME-FREE NEIGHBORHOODS

Appearance made with Mr. Jordan requesting the City be a part of the campaign, whereupon Mr. Jordan was requested to forward campaign materials to the city manager’s office.

2. APPEARANCE BY VICKY LOWE-ALBERTY AND DEBBIE LOWE TO DISCUSS CANALS INCLUDING POSTING OF SIGNS AND FENCING

Appearance made and concerns expressed with President Perea and Councilmember Calhoun responding and speaking to on-going efforts with the Fresno Irrigation District and the need to address dangerous canals and put safeguards in place. City Manager Souza stated the City’s efforts with the Fresno Irrigation District would be consolidated.

(“B”) UNSCHEDULED COMMUNICATION

APPEARANCE BY CYNTHIA MANISZAK AND “BIG SUE” SHAREN BOBBITT REGARDING AN INTAKE WOMENS SHELTER FOR FRESNO

Appearances made/no action taken.

(9:15 A.M. “A”) COUNCIL DISCUSSION REGARDING RESIDENTIAL FENCE HEIGHTS IN THE CITY - COUNCILMEMBER CALHOUN

Councilmember Calhoun advised he scheduled the item as he was approached a few years ago by staff who informed him of fences in his district that were not in conformance with City standards and elaborated, and spoke the need to educate the community, the lack of enforcement, and the unfairness and need for some resolution, with Building & Safety Services Manager Bishop speaking to the background of the fence height issue and current policy, and stated Council assistance and a decision was needed **(3 - 0)**. Councilmember Calhoun stated he was willing to have current regulations enforced but emphasized it must be done city-wide and elaborated. Councilmember Duncan noted the policy was for 3' front yard fences yet building supply stores only sell 4' fencing materials and questioned what happened to common sense, stated if there were issues and problems staff needed to come up with new ideas and bring them to Council instead of getting technical and detailed, and stated the inconsistencies should be recognized and fixed and recommended staff bring back options/recommendations that make sense to everyone. Councilmember Sterling noted this issue was addressed when she served on the planning commission and spoke to the history of the issue. Planning Manager Unruh elaborated further on the fence standards debates that have taken place and the 3 and 4 foot height limitations. Brief discussion continued and by Council consensus staff was requested to return with information/pictures/facts on current standards and what changes can be made. There was no further discussion.

(9:30 A.M.) GENERAL ADMINISTRATION

(“A”) RESOLUTION NO. 2007-198 - 72ND AMENDMENT TO AAR 2006-253 APPROPRIATING \$1,348,600 TO PROVIDE FUNDS FOR THE COMPLETION OF THE FRESNO CONVENTION AND ENTERTAINMENT CENTER IMPROVEMENT PROJECT

Assistant City Manager Rudd gave an in-depth PowerPoint presentation which included before and after photos of the investments/improvements made, history of the project, challenges, future benefits, and project funding and revised estimated cost, all as contained in the staff report as submitted.

Councilmember Sterling thanked City and SMG staff for providing her with a presentation and tour of the facilities stating it was very informative and answered a lot of her questions, and for the public record presented questions relative to why this request for additional funds was being made, the repayment of staff costs, what work has been completed, if staff cost overage violated the spirit of the original contract, general fund dollars being used and if any projects were being defunded, what the general fund balance will be after this appropriation, what repairs are being covered, and the unanticipated issues, with SMG Manager Overfelt, Mr. Rudd and Budget Manager Smith responding throughout. Councilmember Sterling thanked all involved stating this was a quality, state of the art facility. Councilmember Dages commended staff and expressed his support, spoke to the improvements and unforeseen circumstances, and made a motion to approve. Councilmember Calhoun concurred the final product was great and relative to cost overages and a statement in the staff report Mr. Rudd clarified verbage relative to expectations of the Mayor and City was not meant to infer the project was driven or micro-managed by the Mayor and Council and apologized if it was perceived as such. Councilmember Calhoun noted there were additional needed improvements that could not be done and encouraged future phases to do the needed work, **(4 - 0)** and spoke in support of staff's recommendation stating the product was excellent. President Perea concurred the facilities looked great and relative to cost overruns expressed his concern, stated he had a problem with original estimates coming in without the benefit of architectural/engineering services and construction management, and questioned if that was not how the City typically conducted business, what happened here, and what the \$1.3 million would pay for, with Mr. Rudd and City Manager Souza responding and clarifying issues.

On Motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2007-198, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes	:	None
Absent	:	Westerlund

(“B”) BILL NO. B-48 - REPEALING AND ADDING SECTIONS TO THE FRESNO MUNICIPAL RELATING TO IMPACT FEE FEES FOR STREET FACILITIES AND TRAFFIC SIGNAL FACILITIES

City Engineer Kirn gave an overview of the issue, all as contained in the staff report as submitted, and recommended the ordinance be introduced.

Mike Prandini, Building Industry Association, spoke in support of the ordinance and stated many issues were involved, they hoped to work through them, and committed to completing the process.

Councilmembers Calhoun and Sterling presented questions relative to whether a plan was in place to finance the \$32 million, how that figure was derived, timeline to meet the \$32 million in needs, and status of the original committee and if they were still meeting.

On motion of Councilmember Calhoun, seconded by Acting President Xiong, duly carried, RESOLVED, the above entitled Bill No. B-48 introduced before the City Council and laid over, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes	:	None
Absent	:	Westerlund

(“C”) RESOLUTION NO. 2007-199 - 85TH AMENDMENT TO AAR 2006-253 APPROPRIATING \$409,500 FOR THE PURCHASE OF SIX (6) HANDY RIDE PARATRANSIT BUSES, *WITH CONDITION TO CONVERT SIX (6) EXISTING OR FUTURE HANDY RIDE BUSES TO CNG*

Transportation Director Hamm reviewed the issue, all as contained in the staff report as submitted.

Rick Steitz, ATU, spoke in support and added his only concern was the funding source (operating fund) and recommended the funds come out of the capital fund.

Mr. Hamm and Assistant City Manager Rudd responded at length to questions/comments/requests of Councilmember Sterling, President Perea, and Councilmembers Dages, Xiong and Calhoun relative to when the new buses would be operational, request to see a list of all projects in their entirety, funding source, need for more alternative fuel vehicles, why these buses were not CNG, desire to see all buses be CNG, why funds were not coming out of the capital fund as recommended by Mr. Steitz, if staff felt the operational side would be hurt if operating funds are used, balance of the capital fund, if there would be a cost difference to purchase CNG buses, cost for CNG conversion kits, if buses could be purchased already converted by someone else, if any current paratransit buses were CNG, purchase process, if the City could piggyback on another agency’s purchase of CNG vehicles, and need to go beyond traditional buses.

President Perea made a motion to adopt the resolution with the condition that at least six (6) current or new buses be converted to CNG and brief discussion ensued.

On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2007-199 hereby adopted, with the added CNG condition, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes	:	None
Absent	:	Westerlund

(“D”) DIRECT THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AN AGREEMENT WITH FRIENDS OF CAMPEL-O-WIN RELATED TO CAPITAL IMPROVEMENT FUNDING AVAILABLE FROM THE INDIAN GAMING LOCAL BENEFIT COMMITTEE

City Manager Souza and President Perea reviewed the issue, all as contained in the staff report as submitted, and clarified the City would only be a pass-through agency and it was not being asked to commit to any funding.

Jane Martin, President of Friends of Camp-El-O-Win, 6533 N. Bungalow Lane, spoke further to the issue and requested Council’s support.

(5 - 0) Ms. Martin responded to questions of Councilmembers Duncan and Sterling relative to why Fresno County rejected a partnership with them, if fund-raising efforts would continue to make improvements after the \$800,000 is raised, if the organization will have to go back to the Board of Supervisors to get their support, and why a government entity was needed to partner with. Councilmember Sterling thanked the Friends of Camp El-O-Win for all they are doing and a motion and second was made to approve. Mr. Souza and Ms. Martin responded to questions of Councilmember Calhoun relative to whether this was a one year commitment, if the City would strictly be a fiscal agent, and if there were no strings attached. Councilmember Dages expressed his support.

Patricia Pineda, representing County Supervisor Perea, explained the history of the application and requested Council's support.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the City Manager and City Attorney directed to negotiate an agreement with Friends of Camp El-O-Win related to capital improvement funding available from the Indian Gaming Local Benefit Committee, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes : None
Absent : Westerlund

RECESS - 12:00 P.M. - 12:05 P.M.

(12:00 P.M.) CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - CASE NAMES:

- 1. MICHAEL NEVEU V. COF, ET AL.**
- 2. COF V. BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY, ET AL**

The City Council met in closed session in Room 2125 at the hour of 12:05 p.m. to consider the above matters and broke for a lunch recess thereafter.

LUNCH RECESS - 1:00 P.M. - 2:00 P.M.

(10:00 A.M. #2) CONTINUED CONSIDERATION OF THE FY 2008 BUDGET

FIRE DEPARTMENT
POLICE DEPARTMENT
PARKS, RECREATION & COMMUNITY SERVICES DEPARTMENT
INFORMATION SERVICES DEPARTMENT (ISD)
PUBLIC WORKS DEPARTMENT
CITY COUNCIL
CITY MANAGER
GENERAL CITY PURPOSE
MAYOR
GENERAL SERVICES DEPARTMENT (GSD)
PLANNING & DEVELOPMENT DEPARTMENT
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
REDEVELOPMENT AGENCY

FIRE DEPARTMENT:

Chief Bruegman gave a PowerPoint on his department's budget which included the mission/core values/vision, FY 2006-07 accomplishments, FY 2008 Key Result Areas and Key Initiatives, and a summary of budget highlights.

Councilmember Duncan commended the department for job the it was doing and how taxpayer dollars are expended, and along with Councilmembers Dages, Sterling, Acting President Xiong and President Perea presented questions and/or comments relative to efforts and discussions with Fresno County Fire, ISO ratings and reductions in insurance rates, capital projects/land acquisition, what areas are proposed for purchase, if the budget provided for staffing needs, what the department's top three priorities were and if they were funded, multi-year projects, renovations to the Broadway-Elizabeth station, **(6 - 0)** new Station 16, need to keep up with growth to the west, number of firefighters on staff, number needed per 1,000 people, number of companies scheduled for four firefighters, Station 16 property and what will happen to the property if the station is moved/Acting President Xiong stating he wanted to work with the department on that issue, timeline for the training center, staffing levels, cost for a fourth firefighter and if funds were not budgeted for that, North Central and the 41 positions, and President Perea stating he wanted to meet on the issue of adding a fourth firefighter and wanted to see a long-range plan to do that. There was no further discussion.

POLICE DEPARTMENT:

Chief Dyer gave a PowerPoint presentation on his department's budget which included a video on "The War on Crime", the department's mission, the historic 35 year low crime rate, traffic safety arena, response times, FY 2007 Key Initiatives (Graffiti Bureau, Video Policing, Mayor's Gang Prevention Initiative (MGPI)/Operation Bulldog), and FY 2008 budget highlights.

Speaking to the department's budget were: Mike Rhodes, 4773 N. Arthur, opposed to video policing; Donna Hardina, Fresno Chapter of the ACLU, 7569 N. Ivanhoe, support for an Independent Police Officer (IPA); Bill Swaggart, House of Hope Board and MGPI Mentor, **(7 - 0)**, who stated the \$100 for mentors was too low; Susan Bechara, House of Hope, support for MGPI; Jasmine Martinez, support for MGPI; Daniel Luevano, support for MGPI; Bryant Williams, One by One Leadership, 1727 L Street, support for MGPI; Ricardo Garcia, One by One Leadership, support for MGPI; Laneesha Senegal, support for MGPI; Pastor Vasquez, 3801 E. McKenzie, support for MGPI; Gary Dennis, MGPI service provider, support for MGPI; Keith Davis, support for MGPI; Randall Guerra, 3748 N. First, support for MGPI; and Dan Khaul, support for MGPI.

Councilmember Sterling commended the department and presented questions at length relative to whether the budget provided for needed staffing, top three priorities and if they were funded, multi-year projects, if recruitment and retention was addressed, the new FAX police unit, the graffiti operation, Neighborhood Quality of Life Initiative/organizations involved and their efforts, video policing and problems with the start up **(8 - 0)**, number of video cameras purchased and installed, number of cameras budgeted for, locations/if the cameras will be placed at commercial sites/government sites/residential areas, Operation Bulldog and number of members arrested/number of non-members arrested, African-American gangs and number of members arrested, tools used to combat non-Bulldog gangs, number of gang members referred into the MGPI program, MGPI mentoring services, youth activities and referrals, request for information on where MGPI funds go/what programs are working, and importance of, and need to work with, young people with challenges, with Chief Dyer, Capt. Maroney, MGPI Community Coordinator Navarro and Deputy Chief Foster responding throughout.

Councilmember Calhoun spoke to the importance of traffic safety and the need to go after speeders, radio interoperability/if progress was being made in that area (with Chief Dyer responding), and the proposed staff for the Graffiti Bureau stating he felt it was time to hold back on adding staff for one year to see how it works.

MOTION (no second) - Councilmember Calhoun made a motion to delete the additional Graffiti Bureau positions in the amount of \$300,000. Upon call, no second was received.

Councilmember Calhoun continued and spoke to video surveillance stating cameras were being added "willy-nilly", the department was going too fast, and it was time to stop installing cameras and take another year to see how the current system is working.

MOTION - Calhoun/Xiong - Eliminate \$800,000 for the additional video cameras.

Councilmember Calhoun stated he was disappointed with the way video cameras were identified in the budget and read the language stating it said nothing about the plans for 2008, with Chief Dyer responding.

Councilmember Calhoun presented questions and comments relative to the ballistic vests/Pinnacle vests (stating the best of the best needed to be purchased), purchase of larger motorcycles/how they make officers safer, need to evaluate programs that have been around for awhile, i.e. Lifeskills, **(9 - 0)** what can be done to evaluate programs/if internal audit can evaluate, and desire to see measureables and request staff report back on the Neighborhood Quality of Life and Lifeskills programs, with Chief Dyer, Assistant City Manager Rudd and an unidentified department staff member responding.

Lengthy discussion continued with Councilmembers Duncan, Dages, Xiong and President Perea presenting comments and questions relative to earlier request for an evaluation/analysis of the motorcycle program, number of patrol officer per 1,000/where the department was two years ago/if that was a concern to the department, population growth and need to keep up-to-date with patrol officers, the training village concept/if the department was aware of Tulare's plans/need for only one regional training center, the Bulldog gang war, number of members on parole/probation that area re-incarcerated, number prosecuted by the D.A., request for information on the MGPI and disappointment with information received/need to justify the \$1 million spent on the program/Councilmember Duncan requesting detailed information on the program to share with the public, support for video policing/amount spent last year from funds budgeted, reason for reduction in grant writer position, if the 33 vacancies were funded, when the southeast police station will be built, the new police headquarters at Ventura & G Street/who owns the property/need for the RDA to work with the City together on that issue, when the reduction in crime started, Acting President Xiong speaking to video cameras and stating they do not deter crime, police complaints and internal investigations, how oral reprimands are dealt with, challenged areas/community outreach efforts to targeted areas **(10 - 0)**, increase in calls transferred to District 1's office for Hmong translation, need to place an emphasis on adding more officers, support for the MGPI, importance of--and need to complete--the police training center, status of the training center, and request that information on the center be provided by tray memo/intent to schedule the matter before Council, with Chief Dyer, Mr. Rudd and Budget Manager Smith responding. There was no further discussion.

PARKS, RECREATION & COMMUNITY SERVICES DEPARTMENT
INFORMATION SERVICES DEPARTMENT (ISD)
PUBLIC WORKS DEPARTMENT
CITY COUNCIL
CITY MANAGER
GENERAL CITY PURPOSE
MAYOR
GENERAL SERVICES DEPARTMENT (GSD)
PLANNING & DEVELOPMENT DEPARTMENT
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
REDEVELOPMENT AGENCY

Not heard. The budget hearing was continued to Thursday, June 7, 2007, at 8:30 a.m., for consideration of the above departments.

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RECESS - 6:01 P.M. - 6:18 P.M.

(10:15 A.M. #2) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 6:18 p.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF MAY 15, 2007

On motion of President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the Agency minutes of May 15, 2007, approved as submitted.

(“A”) BILL NO. B-48 - ORDINANCE NO. 2007-48 - APPROVING DESCRIPTIONS OF REDEVELOPMENT AGENCY PROGRAMS TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN WITH THE AGENCY’S EXISTING PROJECT AREAS

Redevelopment Executive Director Murphey advised the staff report as submitted was complete, there was no new information to add, and recommended approval.

On motion of Councilmember Dages, seconded by President Perea, duly carried, RESOLVED, the above entitled Bill No. B-48 adopted as Ordinance No. 2007-48, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Xiong, Sterling
Noes : None
Absent : Westerlund

(“B”) CONSIDER RESOLUTION PROVIDING FUNDING FOR AND APPROVING A PURCHASE AND SALES AGREEMENT BETWEEN THE AGENCY AND IVAN A. DORANTES, THE ASSIGNMENT OF THE AGREEMENT TO THE CITY OF FRESNO AND/OR ACCEPTANCE BY THE CITY OF A DEED FROM THE AGENCY TRANSFERRING TITLE OF THE PROPERTY TO THE CITY, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THE AGREEMENT FOR THE PURCHASE OF TWO CONTIGUOUS VACANT LOTS AT S. RAILROAD AND S. CHERRY AVENUES OWNED BY IVAN A. DORANTES (JOINT ACTION)
1. RESOLUTION NO. 2007-200 - 84TH AMENDMENT TO AAR 2006-253 APPROPRIATING \$137,000 FOR THE ACQUISITION OF THE DORANTES PROPERTY

Councilmember Calhoun noted at issue was acquiring the property for a homeless encampment and upon his question Assistant City Manager Rudd advised there was a legal process available, options, and recommendations if the homeless refuse to move to the site and explained.

Executive Director Murphey advised the staff report as submitted was complete, there was no new information to add, and recommended approval.

Pastor Arce spoke further to the issue and agency recommendations.

On motion of Councilmember Duncan, seconded by President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2007-200 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Xiong, Sterling
Noes : None
Absent : Westerlund

(“C”) JOINT APPROVAL OF AN EXCLUSIVE NEGOTIATION AGREEMENT (ENA) BETWEEN THE AGENCY AND THE NEXT GENERATION GROUP, FOR DEVELOPMENT OF A MIXED USE RESIDENTIAL AND COMMERCIAL PROJECT IN THE FULTON REDEVELOPMENT PROJECT AREA, AND AUTHORIZATION FOR THE ACQUISITION OF THE PROPERTY REQUIRED FOR THE PROJECT

Executive Director Murphey advised the staff report as submitted was complete and advised staff and the principals of The Next Generation Group were available for any questions.

President Perea spoke briefly in support stating this was a step in the right direction and commended the developers.

On motion of President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled ENA hereby approved for a period of one year to develop specific plans for the development of a mixed use residential and commercial project, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Xiong, Sterling
Noes : None
Absent : Westerlund

(“D”) JOINT COUNCIL/AGENCY RESOLUTION NO. 2007-201/1698 - MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW AND AUTHORIZING THE AGENCY’S EXPENDITURE OF TAX INCREMENT TO INSTALL STREET LIGHTS ALONG BELMONT AVENUE FROM FREEWAY 41 TO CEDAR AVENUE, AS PUBLIC IMPROVEMENTS WITH THE CENTRAL CITY COMMERCIAL REVITALIZATION REDEVELOPMENT PROJECT AREA
1. AWARD A CONTRACT TO MADCO ELECTRIC, INC., FOR INSTALLATION OF THE PUBLIC IMPROVEMENTS

Executive Director Murphey advised this project would leverage \$4 million in Rural 20 funds and it was a City priority.

On motion of President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Joint Resolution No. 2007-201/1698 hereby adopted, and the contract awarded to Madco Electric, Inc., in the amount of \$592,700, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Xiong, Sterling
Noes : None
Absent : Westerlund

Councilmember Calhoun suggested the Executive Director provide an update in the future on the 2010 Plan for clarity stating it may be outdated.

The joint bodies adjourned their meeting at 6:35 p.m. and the City Council reconvened in regular session.

(9:50 A.M.) HEARING ON REZONE APPLICATION NO. R-07-09 AND ENVIRONMENTAL FINDINGS, FILED BY STEVE KALPAKOFF ON BEHALF OF CLAUDE SAIZ JR., NORTHEAST CORNER OF N. FRESNO STREET AND E. THOMAS AVENUE SOUTH OF SR 180 (704 N. FRESNO STREET)

- 1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT (E.A.) NO. R-07-09/S-07-35**
- 2. BILL NO. B-49 - ORDINANCE NO. 2007-49 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-5 TO R-2**

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Beedle advised the staff report as submitted was complete and added the applicant was anxious for Council approval so he could move forward.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the environmental finding the above entitled E.A. hereby adopted, and the above entitled Bill No. B-49 adopted as Ordinance No. 2007-49, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes : None
Absent : Westerlund

(10:00 A.M. #1) CONTINUED HEARING TO CONSIDER RENAMING THE TENNIS COURTS AT ROEDING TENNIS CENTER - COUNCILMEMBER STERLING

- 1. RESOLUTION NO. 2007-202 - RENAMING THE TENNIS COURTS AT ROEDING TENNIS CENTER TO FENTON'S COURT**

President Perea announced the time had arrived to consider the issue and opened the hearing.

Councilmember Sterling gave a brief overview of the issue.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2007-202 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes : None
Absent : Westerlund

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 6:38 p.m. having arrived and hearing no objections, the meeting was adjourned to Thursday, June 7, 2006, at 8:30 a.m., for continued consideration of the FY 2007-08 Budget.

Approved on the ____ 12th _____ day of _____ June _____, 2007.

_____/s/_____ Henry Perea, Council President	ATTEST: _____/s/_____ Yolanda Salazar, Assistant City Clerk
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